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Atty's Docket No.: 10559-771001 / P13941

REMARKS

Claims 1-37 are pending. Reconsideration and notice of allowance is respectfully requested.

Rejections under 35 U.S.C. § 102(e):

Claims 1-37 are rejected under 35 U.S.C. 102(e) as allegedly being anticipated by US Patent No. 6,721,316 to Epps et al. (Epps).

Independent claims 1, 8, 16, 20, 24, 28, and 31:

Claim 1 is representative and is provided below for convenience.

Claim 1. A method comprising:

- extracting overhead data from a frame;
- sending the extracted overhead data to an external programmable device;
- modifying the extracted overhead data of the frame in the programmable device;
- receiving the modified overhead data from the external programmable device; and
- inserting the modified overhead data into said frame.

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Epps does not teach sending the extracted overhead data to an **external programmable device** as recited in claim 1. The Office Action alleges that Epps teaches this feature at FIG. 3, item 320 and FIG. 4, items 410-460. However, the cited portions and any other portions of Epps all fail to teach or suggest that the extracted overhead data is sent to an **external programmable device** as recited in claim 1. Item 320 on FIG. 3 of Epps is a first-in-first-out (FIFO) buffer. The FIFO buffer is **internal** to a network device (linecard control element 130) and thus is not an **external device**. In addition, a FIFO buffer is not a programmable device - rather, any data that goes in, by definition, comes out. In contrast, the **external programmable device** recited in claim 1 recites that it is **external** to a network device (See FIG. 3 of application). Further, it is a **programmable device**, for example, in the embodiment is a logic chip device that can be programmed such as a field-programmable gate array (FPGA) or a digital signal processor (DSP). In contrast, items 410-460 in FIG. 4 of Epps are components of a pipeline switch 220 that suffer from the same deficiency as the FIFO buffer. Items 410-460 are **internal** to the network device (linecard control element 130) and are **not programmable**.

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In addition, the Office Action alleges that Epps teaches modifying the extracted overhead data of the frame in the **programmable device** at col. 11, lines 14-41. However, the cited portion and any other portions of Epps all fail to teach or suggest the claimed element. In contrast to the recited features of claim 1, Epps teaches processing overhead data in a pipelined switch 220 (col. 6, line 19 - col. 7, line 4 and FIG. 4). As described above, items 410-460 of the pipelined switch 220 are **not external** to the network device and are **not programmable**.

Further, the Office Action alleges that Epps teaches receiving modified overhead data from the **external programmable device** col. 10, lines 15-19 and item 240. For the same reasons set forth above, Epps does not teach receiving modified overhead data from the **external programmable device** as recited in claim 1.

For at least these reasons, claim 1 is patentable over Epps. In addition, claims 8, 16, 20, 24, 28, and 31 recite similar features, and thus are patentable over Epps for at least the reasons set forth with respect to claim 1.

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Dependent claims 2-7, 9-15, 17-23, 25-27, 29-30, and 32-37:

Claims 2-7, 9-15, 17-23, 25-27, 29-30, and 32-37 depend from claims 1, 8, 16, 20, 24, 28, and 31, and thus are patentable over Epps for at least the reasons set forth with respect to claims 1, 8, 16, 20, 24, 28, and 31 above. In addition, these dependent claims are independently patentable over Epps.

For example, claim 7 recites *adjusting at least one of the times for extracting, storing, modifying and inserting*, and Epps fails to teach or suggest these claimed features. The Office action alleges that Epps teaches an "adjustable processing time" at col. 10, lines 15-19, col. 15, lines 12-27, and FIG. 4). However, Epps' broad recitation of "adjustable processing time" can not be construed to teach or suggest specifically *adjusting at least one of the times for extracting, storing, modifying and inserting* as recited in claim 7. Regardless, the cited portions and any other portions of Epps all fail to teach or suggest the claimed features.

FIG. 4 of Epps describes items 410-460, which are neither external nor programmable as set forth above with respect to claim 1. With respect to col. 10, lines 15-19 of Epps, this portion merely recites processing the header data. Epps does

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not teach of suggest adjusting any times, let alone *adjusting at least one of the times for extracting, storing, modifying and inserting* as recited in claim 7.

With respect to col. 15, lines 12-27 of Epps, this portion discloses that a flow of headers from the header FIFO 320 is independent of flow of tails from tail FIFO 330. When both the header and the tail is received by the buffer manager 240, both are written into receive packet buffer 245. Again, there is no specific disclosure related to adjusting any time components, and there's nothing that can be construed to teach or suggest *adjusting at least one of the times for extracting, storing, modifying and inserting* as recited in claim 7. Therefore, teachings of Epps do not support the allegation of an "adjustable processing time," and Epps fails to teach or suggest *adjusting at least one of the times for extracting, storing, modifying and inserting* as recited in claim 7.

For at least this additional reason, claim 7 is patentable over Epps. The other claims in the case should be allowable by the virtue of their dependency for similar reasons

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Conclusion

It is believed that all of the pending claims have been addressed in this paper. However, failure to address specific rejection, issue, or comment, does not signify agreement with or concession of that rejection, issue or comment. In addition, because the arguments made above are not intended to be exhaustive, there may be reasons for patentability of any or all pending claims (or other claims) that have not been expressed. Finally, nothing in this paper should be construed as an intent to concede any issue with regard to any claim, except as specifically stated in this paper, and the amendment of any claim does not necessarily signify concession of unpatentability of the claim prior to its amendment.

Claims 1-37 are in condition for allowance, and a notice to that effect is respectfully solicited. If the Examiner has any questions regarding this response, the Examiner is invited to telephone the undersigned at (858) 678-5070.

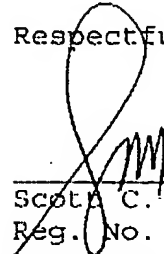
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Respectfully submitted,

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